

00-~~K~~-1355

Entered - 07/19/00 - sb  
CL00L0444 - DIANNE C. MITCHELL

CLAIM OF: NANCY PARKER PARSON,  
through her insurance agent,  
Whiting and Associates  
3865 Cannonwolde Drive  
Snellville, Georgia 30039

For damages alleged to have been sustained  
as a result of property damage due to a sewer  
back up on June 20, 2000 at 2310 Bohler  
Road, NW.

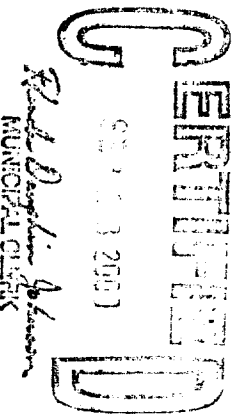
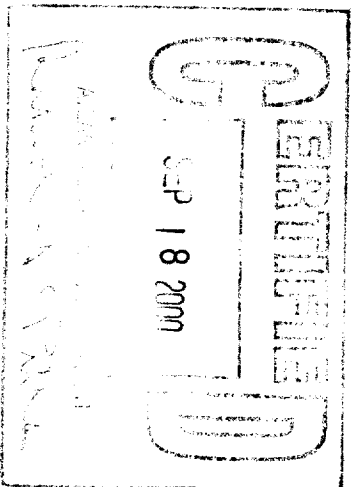
THIS ADVERSED REPORT IS  
APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

DATE 7/12/00  
BY: M. Fuller Safety

DATE 7/12/00  
BY: C. T. M. [Signature]

DATE 7/12/00  
BY: Donna [Signature]  
Debra [Signature]  
Henry [Signature]



ADVERSED BY  
CITY CLERK SEP 18 2000

September 28, 2000

Whiting and Associates  
Insurance carrier  
3865 Cannonwalde Drive  
Snellville, GA 30039

**00-R-1355**

**RE: Nancy Parker Parson**

Dear Mr. Whitint:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0444

Date: August 30, 2000

Claimant /Victim NANCY PARKER PARSON  
BY:(Ins. Co.) Whiting and Associates  
Address: 3865 Cannonwolde Drive, Snellville, Georgia 30039  
Subrogation:        Claim for Property damage \$ 14,182.00 Bodily Injury \$         
Date of Notice: 07/12/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 06/20/00 Place: 2310 Bohler Road  
Department Public Works Division: Sewer Operations  
Employee involved        Disciplinary Action:       

**NATURE OF CLAIM:** The claimant alleges her property was damaged due to a sewer back up. The investigation determined that the City had no notice of a problem with the sewer line prior to the call from the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report X Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other X Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 08 30 00  
Committee Action:        Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: July 11, 2000

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ Unknown at present property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: June 20, 2000 2. Time of Incident: approx: 11 PM 3. Police called: NO  
(month/day/ year) Yes No

4. Location of incident (including street address): 2310 Bohler Rd NW, Atlanta GA 30327

5. Name of your insurance company: AMICA Homeowner's Policy No. 601210-2128

6. State what and how incident occurred: Sewer line back up into our residence; water - sewage poured into floors in powder room, living room, foyer, thru floor to basement, basement ceiling, basement floors. Back-up caused by blockage in line of which City had been placed on notice of problem. See letters dated 6/21/00 and 6/23/00 - copies attached.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title). Also, landscape damage to pea gravel parking area, and some damage to contents

Your vehicle: \_\_\_\_\_  
(Make) vehicle involved (Year) (Tag Number) (Driver's Name)

City vehicle: NO \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Sewer dept. employees: Sammy Glynn, Alonzo Phillips, Ronnie Darden, Fletcher Glad, Thurman Burdette, Darren Hicks 404-658-7305  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Nancy Parker Parson  
Signature of Claimant

Nancy Parker Parson (and husband George Parson)  
(Print Claimant's Name)

2310 Bohler Rd NW  
(Address)

Atlanta GA 30327  
(City, State and Zip Code)

00- -1355

Nancy 404-355-5900 404-355-5902  
(Work Number) (Home Number)  
George 770-499-7989

RCS# 2218  
9/18/00  
2:15 PM

Atlanta City Council

Regular Session

CONSENT

PAGES: 1-19

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1321  
00-R-1322  
00-R-1388  
00-O-1435

**CORRECTED COPY**

CONSENT

		09/18/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1234 2. 00-O-1007 3. 00-O-1015 4. 00-O-1427 5. 00-O-1429 6. 00-O-1432 7. 00-R-1387 8. 00-R-1392 9. 00-R-1395 10. 00-R-1452 11. 00-R-1340 12. 00-R-1323 13. 00-R-1433 14. 00-R-0560 15. 00-R-0561 16. 00-R-1454 17. 00-R-1299 18. 00-R-1308 19. 00-R-1334 20. 00-R-1335 21. 00-R-1338 22. 00-R-1394 23. 00-R-1331 24. 00-R-1330 25. 00-R-1332 26. 00-R-1333 27. 00-R-1337 28. 00-R-1339 29. 00-R-1419 30. 00-R-1426 31. 00-R-1342 32. 00-R-1343 33. 00-R-1344 34. 00-R-1345 35. 00-R-1346 36. 00-R-1347 37. 00-R-1348 38. 00-R-1349 39. 00-R-1350 40. 00-R-1351	41. 00-R-1352 42. 00-R-1353 43. 00-R-1397 44. 00-R-1398 45. 00-R-1399 46. 00-R-1400 47. 00-R-1401 48. 00-R-1402 49. 00-R-1403 50. 00-R-1404	51. 00-R-1357 52. 00-R-1358 53. 00-R-1359 54. 00-R-1360 55. 00-R-1362 56. 00-R-1363 57. 00-R-1364 58. 00-R-1365 59. 00-R-1366 60. 00-R-1367 61. 00-R-1368 62. 00-R-1369 63. 00-R-1370 64. 00-R-1371 65. 00-R-1372 66. 00-R-1373 67. 00-R-1374 68. 00-R-1375 69. 00-R-1376 70. 00-R-1377 71. 00-R-1378 72. 00-R-1379 73. 00-R-1380 74. 00-R-1381 75. 00-R-1382 76. 00-R-1383 77. 00-R-1384 78. 00-R-1385 79. 00-R-1386 80. 00-R-1405 81. 00-R-1406 82. 00-R-1407 83. 00-R-1408 84. 00-R-1409 85. 00-R-1410 86. 00-R-1411 87. 00-R-1412 88. 00-R-1413